

MESSAGE NO: 0337306 MESSAGE DATE: 12/03/2010

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 7361211, 8025208

MESSAGE #

(s):

CASE #(s): A-549-821

EFFECTIVE DATE: 12/03/2010 COURT CASE #: 07-00456

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2005 TO 07/31/2006

Notice of Lifting of Suspension Date: 12/03/2010

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PROD. AND/OR EXPORT. BY KING PAC OR ZIPPAC FOR THE PERIOD 08/01/2005 THROUGH 07/31/2006 (A-549-821)

NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. SEE PARAGRAPH 3 BELOW.

1. ON 05/28/2010, THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) ISSUED A FINAL DECISION IN THE CASE OF KYD INC. V. UNITED STATES (COURT NO. 2009-1366). AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE NUMBER 8025208 DATED 01/25/2008 REFERS, ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND FOR THE PERIOD 08/01/2005 THROUGH 07/31/2006 PRODUCED AND/OR EXPORTED BY KING PAC INDUSTRIAL CO., LTD. (AKA KING PAK INDUSTRIAL CO., LTD.), DPAC INDUSTRIAL CO., LTD. (AKA SIAM ZIP), ZIPPAC CO., LTD. (AKA ZIP-PAC, CO., LTD, AKA ZIP PAC CO., LTD.), OR KING BAG CO., LTD., AND IMPORTED BY KYD INC., DISSOLVED ON 11/18/2010.

2. FOR ALL SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED AND/OR EXPORTED BY THE FIRMS LISTED BELOW, IMPORTED BY KYD INC., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2005 THROUGH 07/31/2006, ASSESS AN ANTIDUMPING LIABILITY OF 122.88 PERCENT OF THE ENTERED VALUE. ENTRIES MAY HAVE BEEN MADE UNDER A-549-821-005, A-549-821-000, OR OTHER CASE NUMBERS.

PRODUCER AND/OR EXPORTER: KING PAC INDUSTRIAL CO., LTD.

FINAL RATE: 122.88 PERCENT

PRODUCER AND/OR EXPORTER: ZIPPAC CO., LTD.

FINAL RATE: 122.88 PERCENT

ENTRIES OF SUBJECT MERCHANDISE WHICH WAS PRODUCED AND/OR EXPORTED BY

THE COMPANIES LISTED ABOVE BUT NOT IMPORTED BY KYD INC., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2005 THROUGH 07/31/2006, SHOULD HAVE BEEN LIQUIDATED PURSUANT TO MESSAGE NUMBER 7361211 DATED 12/27/2007.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2005 THROUGH 07/31/2006. ACCORDINGLY, NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. FOR ALL OTHER SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THESE INSTRUCTIONS.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER WHICH IS 08/09/2004. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:YJC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party